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November 24, 2021

VIA ECF

Honorable Joan M. Azrack
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Ajay Bahl v. New York College of Osteopathic Medicine of New York
Institute of Technology, et al.*, 14-CV-04020 (JMA)(ARL)

Dear Judge Azrack:

This firm represents Defendant New York Institute of Technology (“NYIT”), improperly named herein as New York College of Osteopathic Medicine of New York Institute of Technology, in the above-referenced action. We write to respectfully request an adjournment of NYIT’s December 20, 2021 deadline to serve its motion for summary judgment as set forth in Magistrate Judge Lindsay’s November 4, 2021 Order. Specifically, NYIT proposes the following briefing schedule:

- NYIT’s deadline to serve its summary judgment motion, Friday, January 28, 2022;
- Plaintiff’s deadline to oppose summary judgment, Friday, March 18, 2022; and
- NYIT’s deadline to serve its reply brief, Friday, April 8, 2022.¹

The basis for NYIT’s adjournment request is the need for counsel to review and synthesize the extensive discovery in this case which includes the 1,374-page deposition transcript of Plaintiff, taken over five days, as well as the deposition transcripts of seven other deponents. NYIT also produced over 3,000 pages of documents, which is in addition to the hundreds of pages of documents produced by Plaintiff and the other former defendants. In addition, Plaintiff asserts fourteen separate causes of action against NYIT in the Amended Complaint, all of which NYIT plans to address in its summary judgment motion.

Counsel for NYIT conferred with Plaintiff concerning his position as to NYIT’s first adjournment request of its deadline to move for summary judgment. Specifically, counsel for NYIT emailed Plaintiff on Thursday, November 18, 2021 to schedule a phone call. When Plaintiff did not respond, counsel for NYIT emailed Plaintiff on Friday, November 19, 2021 concerning a

¹ These dates differ slightly from the schedule proposed to Plaintiff to provide Plaintiff with additional time to oppose NYIT’s motion. In addition, NYIT is requesting this length of an adjournment in light of the upcoming holidays and counsel’s previously scheduled vacations.

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proposed briefing schedule. My colleague, Stephen Pischl, spoke with Plaintiff on Monday, November 22, 2021 concerning NYIT's proposed briefing schedule and Plaintiff was unable to provide his position concerning NYIT's adjournment request. Mr. Pischl followed up with Plaintiff by email on Tuesday, November 23, 2021, as well as spoke with Plaintiff yesterday, and, to date, Plaintiff has not provided his position concerning NYIT's adjournment request.

NYIT also respectfully requests an enlargement of the 25-page limit for its memorandum of law to 40 pages. Although NYIT plans to be as succinct as possible in its arguments in support of its motion for summary judgment, as discussed above, Plaintiff asserts fourteen separate causes of action against NYIT, approximately thirteen of which have different legal standards and require separate legal analysis. Accounting for a preliminary statement and brief fact section, noting that most of the facts will be included within the 56.1 Statement, NYIT will have approximately 1.5 pages to address each cause of action in the Amended Complaint under the current 25-page limit.

Thank you for Your Honor's consideration of NYIT's requests.

Respectfully Submitted,

CLIFTON BUDD & DEMARIA, LLP
Attorneys for Defendant NYIT



By: _____

Douglas P. Catalano
Stefanie R. Toren
Stephen P. Pischl

cc: Mr. Ajay Bahl (via e-mail and regular mail)